THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.26117 of 2005

Dated 07-12-2005

Between:

K.Raghupathi.

.. **PETITIONER**

AND

The Commissioner of Endowments,

Government of Andhra Pradesh,

Boggulakunta, Hyderabad and others.

.. **RESPONDENTS**

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ORDER:

The petitioner challenges the order dated 15-06-2005 passed by the 1st respondent. Through the impugned order, the 1st respondent kept order dated 20-04-2005, promoting the petitioner as Superintendent and posting him in Sri Lakshmi Narasimha Swamy Temple, the 3rd respondent herein, in abeyance.

Heard the learned counsel for the petitioner, the learned Government Pleader for Endowments and the learned Standing Counsel for R-2 and R-3.

The petitioner was initially appointed as Junior Assistant in the year 1985 in Sri Veerabhadra Swamy Temple, Kuravi village at Warangal District. Subsequently, he was promoted as Senior Assistant in the year 1990. Thereafter, he was transferred as Senior Assistant to Sri Mallikarjuna Swamy Temple, the 2nd respondent herein. While so, the Executive Officer of the said Temple submitted proposals to the Commissioner of Endowments-R-1 stating that the petitioner is holding requisite qualifications to be promoted as Superintendent and requested that either a third post of Superintendent be sanctioned for that Temple or the petitioner be promoted as Superintendent and be transferred to any other Temple. Acting on these proposals, the then Commissioner issued proceedings, dated 20-04-2005, promoting the petitioner as Superintendent by creating a post of Superintendent in the 3rd respondent Temple, and posting him against that post.

The Government of Andhra Pradesh undertook review of the decisions taken by the then Commissioner in the matter of sanctioning posts or promotions in various Temples. It took exception to the promotion of the petitioner and his being posted at third respondent Temple, particularly, when there was no sanctioned post at that

place. It was in this context, that the 1st respondent passed the impugned order.

It is not in dispute that there does not exist any sanctioned post of Superintendent at third respondent Temple. If the petitioner is eligible to be promoted to the post of Superintendent on the basis of his seniority at his parent institution, he ought to have claimed promotion in that Temple itself. This court finds that there was absolutely no justification for the then Commissioner in promoting the petitioner that too, by creating a vacancy, for this purpose in third respondent Temple, without following the due procedure. Therefore, no exception can be taken to the impugned order.

However, if the petitioner has acquired sufficient seniority in his parent organization for being promoted, he cannot be denied the benefit of promotion. For this purpose, the petitioner has to make suitable representation, and his case needs to be considered along with those of other suitable candidates.

Therefore, the writ petition is disposed of leaving it open to the petitioner to make a representation to the 1st respondent in relation to his promotion to the post of Superintendent. The 1st respondent, in turn, shall consider the same, along with others, and pass appropriate orders within a period of two months from the date of presentation.

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07-12-2005

Note:

Issue C.C. in three days.

(B/o)

Prv